

REMARKS

Upon entry of the present amendment, claim 1 will be amended so that claims 1-9 and 11-20 will remain pending, because claim 10 is a canceled claim having been canceled in a previous amendment. Claims 14-20 stand withdrawn from consideration as being directed to a non-elected invention.

By the amendment herein, claim 1 has been amended to even more explicitly recite the filler comprising the reinforcement fibers that have been at least one of ground and cut so that the filler is of same actual material as the reinforcement fibers. In this regard, the Examiner's attention is once again directed to Applicant's originally filed specification, at page 1, the paragraph beginning at the bottom of the page wherein it is disclosed that, "A material is added as filler ..., which material comprises the material of the actual reinforcement fibers."

Entry of this amendment after final is appropriate, because the amendment is merely more explicitly reciting the subject matter that has been previously recited and argued by Applicant. Accordingly, the amendment seeks to simplify issues while placing the application in condition for allowance or at least to place the application in better form for appeal. The amendment should not raise new issues for consideration and/or search as issues presented in this amendment have previously been presented in Applicant's response filed April 2, 2009.

Reconsideration of the rejections of record and allowance of the application in view of the following remarks are respectfully requested.

Statement of Interview

Applicant expresses appreciation for the courtesies extended by Examiner Maria Ewald and Examiner Saeed M. Huda during a July 9, 2009 telephone interview.

During the interview, Applicant's representative discussed that Skinner merely discloses that the filler and reinforcement fiber can each comprise glass. It was pointed out that Applicant's claimed subject matter explicitly recites that the filler comprises at least one of ground and cut reinforcement fibers so that the filler comprises a same material as the reinforcement fibers. It was noted that in Applicant's previous response claim 1 was amended to even more explicitly recite the filler comprising at least one of ground and cut reinforcement fibers so that the filler comprises a same material as the reinforcement fibers. Moreover, it was pointed out that attention was directed to Applicant's originally filed specification, at page 1, the paragraph beginning at the bottom of the page wherein it is disclosed that, "A material is added as filler ..., which material comprises the material of the actual reinforcement fibers." Thus, it was argued that Applicant's claimed subject matter includes that the filler comprises at least one of ground and cut reinforcement fibers, that therefore the material of the filler is the actual material of the reinforcement fiber, and that Applicant's claims are not properly rejected based upon the disclosure of Skinner.

Applicant's claim language was discussed, and Applicant's representative indicated that Applicant may consider amending claim 1 to even more explicitly recite the subject matter already recited in claim 1.

Claim of Foreign Priority

Applicant expresses appreciation for the acknowledgment of the claim of priority and receipt of the certified copy in the body (page 3, paragraph 4) of the Final Office Action.

Applicant requests that the Cover Sheet of the next communication from the Patent and Trademark Office be completely filled in to acknowledge the claim of foreign priority and receipt of all of the certified copies in this national stage application.

Response To Restriction Requirement

Claims 14-20 have been withdrawn from consideration as being directed to a non-elected invention.

In response, Applicant traverses the requirement because the basis for the requirement is not clearly presented. The requirement contends that one or more reasons apply. However, the requirement does not specifically indicate which of the one or more reasons is applicable under the present circumstances. In this regard, Applicant notes that to support a requirement for restriction, the reasons should be stated with respect to the claimed subject matter, and should provide a clear indication of the reasons for restriction.

In any event, rejoinder of non-elected claims 14-20 is respectfully requested upon allowance of the elected claims.

In view of the foregoing, it is respectfully requested that the Examiner reconsider the requirement for restriction, and withdraw the same so as to give an examination on the merits on all of the claims pending in this application.

Response To Art-Based Rejections

The following three art based rejections are set forth in the Office Action.

(a) Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(a) as being anticipated by US 2004/0130067 A1 to Skinner et al. (hereinafter "Skinner").

(b) Claims 3, 5, 6, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0130067 A1 to Skinner, as applied to claim 1 above, and further in view of U.S. Patent No. 6,461,457 B1 to Taylor et al. (hereinafter "Taylor").

(c) Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0130067 A1 to Skinner, as applied to claim 6 above, and further in view of U.S. Patent No. 4,556,529 to Muser et al. (hereinafter "Muser").

(d) Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0130067 A1 to Skinner, as applied to claim 6 above, and further in view of U.S. Patent No. 3,962,009 to Minami et al. (hereinafter "Minami").

(e) Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0130067 A1 to Skinner in view of U.S. Patent No. 3,962,009 to Minami as applied to claim 8 above, and further in view of U.S. Patent No. 4,025,686 to Zion.

(f) Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0130067 A1 to Skinner in view of U.S. Patent No. 4,556,529 to Muser as applied to claim 7 above, and further in view of U.S. Patent No. 4,025,686 to Zion.

In response to these grounds of rejection, it is noted that Applicant's independent claim 1 is directed to a method for producing a fiber-composite material for producing fiber-composite components, comprising combining reinforcement fibers, resin, and a filler, the filler comprising the reinforcement fibers that have been at least one of ground and cut so that the filler is of same actual material as the reinforcement fibers.

Thus, amongst the features recited in Applicant's independent claim 1, the claim includes the filler comprising the reinforcement fibers that have been at least one of ground and cut so that the filler is of same actual material as the reinforcement fibers. In contrast to this

combination as recited in Applicant's claims, none of the documents used in the rejections of record discloses that the filler comprises the reinforcement fibers that have been at least one of ground and cut so that the filler is of same actual material as the reinforcement fibers. Thus, whether or not one having ordinary skill in the art would have combined the disclosures of any one or more of Taylor, Muser, Minami and Zion with Skinner, Applicant's claimed subject matter would not be at hand. Accordingly, the rejections of record are without appropriate basis and should be withdrawn, because any combination of these documents would not teach or suggest each and every feature recited in Applicant's claims.

Therefore, any combination of Skinner, Taylor, Muser, Minami and/or Zion does not teach or suggest the combination of features recited in Applicant's independent claim 1, or Applicant's claims 2-9 and 11-13 which include the subject matter of claim 1. Moreover, each of these claims is patentable for the combination of features recited therein.

Applicant therefore submits that the rejections of record are without appropriate basis and should be withdrawn.

CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the restriction requirement and the rejections of record, and allow each of the pending claims.

Applicant therefore respectfully requests that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Ekkehard ROTH

Neil F. Greenblum
Reg. No. 28,194

July 13, 2009
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Arnold Turk
Reg. No. 33094

Reg. No. 33094
Arnold Turk